

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency Calling Systems))	
)	
Non-initialized Wireless Telephone)	
Service)	
)	

To: The Commission

***EX PARTE* COMMENTS OF NASNA, NENA and APCO**

The National Association of State Nine One One Administrators ("NASNA"), the National Emergency Number Association ("NENA") and the Association of Public-Safety Communications Officers ("APCO"), (collectively, "Public Safety Organizations"), hereby submit the following additional *ex parte* comments regarding non-initialized telephone service.

Many of the Public Safety Organizations' members have reported receiving harassing or abusive 9-1-1 calls from non-initialized wireless telephones. These telephones cannot necessarily be traced to a specific owner since the original owner may have lost the telephone, had it stolen, or discontinued service with the provider. It is our understanding from the wireless service providers that, in some instances, the existing technology would allow them to disable a non-initialized wireless telephone remotely, thus preventing further abuse of 9-1-1. We also understand that in other instances technology limitations would preclude wireless service providers from such disabling. Our point is that under the current FCC order, the wireless service providers are required to process all 9-1-1 calls dialed from the telephone, regardless of

whether they are abusive and regardless of validation. Thus, even where it is technologically possible deactivation is prohibited.

When harassing calls are made from an initialized telephone, the caller can be identified and authorities can invoke local statutes to stop the harassment. This option does not exist for 9-1-1 calls made from non-initialized telephones.

This situation is similar to the conditioned permission for payphone service providers to restrict dialing capability to pay phones when local law enforcement requests that the phone be outgoing only. A similar mechanism is needed to prevent a person using a non-initialized wireless telephone from harassing 9-1-1 personnel or from crippling a 9-1-1 system by making hundreds or even thousands of harassing 9-1-1 telephone calls.

CONCLUSION

For the reasons discussed, NASNA requests that the Commission, as part of the current rule making on non-initialized wireless telephone service, include a provision to permit wireless service providers to disable 9-1-1 access on non-initialized wireless telephones at the request of local law enforcement or the courts.

Respectfully submitted, NASNA, NENA, APCO

A handwritten signature in cursive script, reading "Evelyn Bailey".

Evelyn Bailey
President, NASNA

CC: Kris Monteith, FCC Wireless Telecommunications Bureau
Blaise Scinto, FCC Wireless Telecommunications Bureau